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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,428	05/10/2001	George Brainard	BRA01-NP002	6772
50828	7590	04/20/2007	EXAMINER	
DAVID S. RESNICK 100 SUMMER STREET NIXON PEABODY LLP BOSTON, MA 02110-2131			GIBSON, ROY DEAN	
		ART UNIT	PAPER NUMBER	
		3739		
		MAIL DATE		DELIVERY MODE
		04/20/2007		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 3739

**Re: REQUEST FOR RECONSIDERATION OF LETTER RESTARTING PERIOD OF RESPONSE MAILED ON NOVEMBER 7, 2003 from Applicant dated August 1, 2006.**

This letter is in response to the referral by the Office of Petitions to Art Unit 3739 for a decision regarding the Applicant's Request for Consideration as presented in a letter from the Office of Petitions to the Applicant mailed on January 30, 2007 (Reference paragraphs 5 and 6). After consideration by the Examiner and SPE, the request is dismissed because a response to the Office action of Nov. 7, 2003, was never received nor was an Appeal Brief received in a timely manner after the Notice of Appeal was filed on May 10, 2004. The original claims and all amendments to the claims (including those originally submitted Nov. 9, 2003 and then re-submitted Nov. 10, 2003) had been addressed by the examiner as of Nov. 7, 2003. In addition, the restarting of the action was made of record on Nov. 7, 2003.

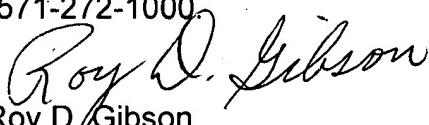
The application is being referred back to the Office of Petitions for their consideration of the Petition to Revive an Unintentionally Abandoned Application Under C.F.R. § 1.137(b), filed August 1, 2006.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roy D. Gibson whose telephone number is 571-272-4767. The examiner can normally be reached on Tu-Th, 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on 571-272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Roy D. Gibson  
Primary Examiner  
Art Unit 3739

April 18, 2007